

REPORT OF THE CHIEF PLANNING OFFICER – 2 OCTOBER 2023

APPLICATION NO:
P/2022 /1082

LOCATION:
120 RHOSNESNI LANE WREXHAM
LL12 7NE

DATE RECEIVED:
20/12/2022

COMMUNITY:
Acton

DESCRIPTION:
RHANNU UNED I GREU UNEDAU
BUSNES YCHWANEGOL (OL
WEITHREDOL) / SUB-DIVISION OF
UNIT TO CREATE ADDITIONAL
BUSINESS UNITS (IN RETROSPECT)

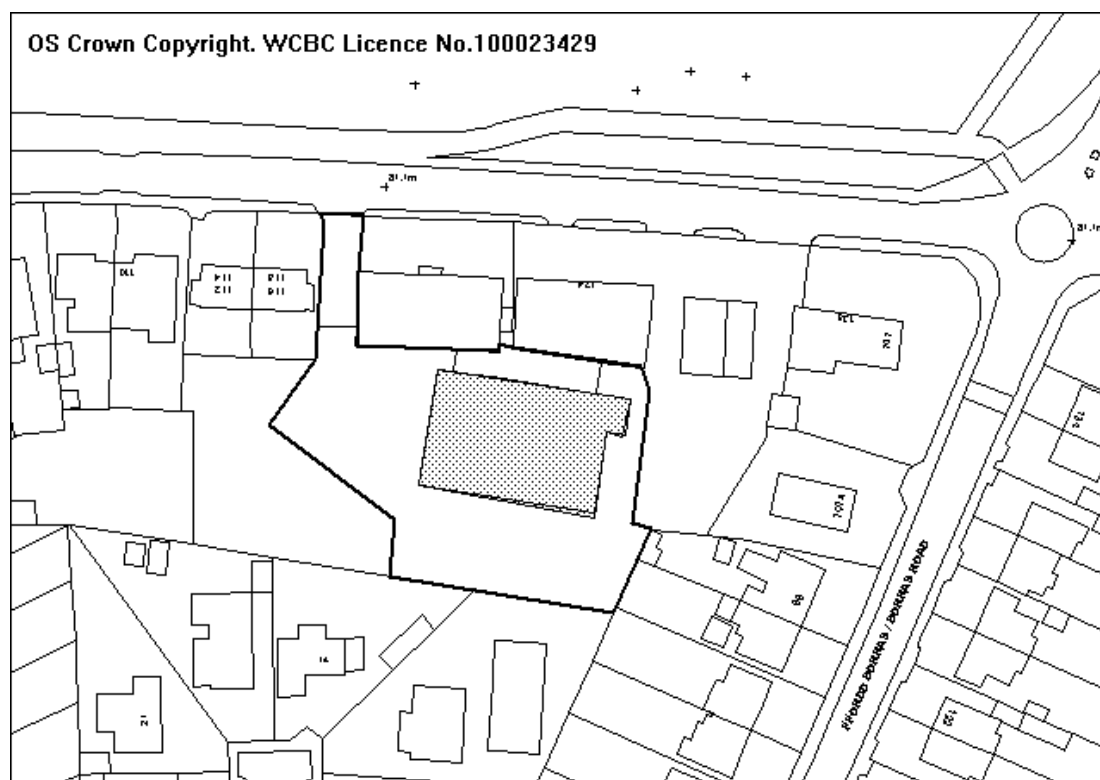
CASE OFFICER:
SEH

WARD:
Maesydre

AGENT NAME:
BLUEPRINT LTD
DAFYDD EDWARDS

APPLICANT(S) NAME:
MR PAUL CLIFTON

THE SITE



PROPOSAL

The unit was previously used for storage and distribution purposes (Class B8). The application proposes the subdivision and change to uses falling within Classes B1, B2, B8 and D1. The application is made in retrospect.

RELEVANT HISTORY

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P/2018/0503 DEMOLITION OF EXISTING SHOP AND STORAGE UNIT AND
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
(13 DWELLINGS) – Granted 03/12/2018

P/2022/0181 DEMOLITION OF STRUCTURE AND CONSTRUCTION OF 7
COMMERCIAL UNITS (B1) – Pending

DEVELOPMENT PLAN

Unitary Development Plan Policies

Within settlement limit. UDP Policies GDP1, T8, E4 and EC6 are applicable.

Local Planning Guidance Note (LPGN) No. 16 'Parking' is also relevant.

Draft Local Development Plan Policies

Within settlement limit. LDP Policies DM1, SP14 and T1 are applicable

CONSULTATIONS

Community Council

Expresses concerns that the access is not suitable for the increased volume of traffic generated by the development.

Local Members

No comments received.

Highway Officer

Raises no objections to the development on highway safety grounds.

The Highway Officer advises that

- The size of delivery vehicles should be restricted to a transit van and therefore scheme of 'No access to HGV' signage is required to ensure manoeuvrability within the site; and
- The proposed on-site parking meets the standards required by LPGN 16;
- The development will increase traffic using the site access. A S106 agreement will be required to reduce the height of an adjoining boundary wall to achieve the required visibility at the access.

Public Protection Officer

Raises no objection, but advises that a condition be imposed to set noise limits.

Contaminated Land Officer

Has no comments to make.

Welsh Water

Raises no objection.

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Welsh Water advise that capacity exists within the public sewerage network to receive the foul flows from the proposed development. Welsh Water recommend a number of informative notes relating to surface water, the location of sewers and the process for securing a connection to the public sewer network.

Natural Resources Wales (NRW)

Raises no objection to the development.

NRW recognise the nature of the proposed development and are satisfied that the proposal is unlikely to increase the amount of phosphorus entering the River Dee and Bala Lake SAC.

Neighbours

The owners/occupiers of 36 properties were notified on 21/06/2023.

4 representations have has been received expressing the following concerns:

- The industrial use of the building does is not in keeping with the retail and domestic properties that adjoin the site; and
- Increased traffic and Noise.

SPECIAL CONSIDERATIONS

Principle of Development: UDP Policy E4 permits employment development within settlement limits subject to compliance with UDP policy GDP1. The site also lies within the settlement limit in the draft LDP. There are no draft LDP policies that would prevent employment development within a settlement limit subject to compliance with other relevant policies, notably DM1. As such the principle of development is acceptable.

Design: The elevations of the building have been altered and the internal floor space changed to enable the building to be split into 5 no. separate units. The alterations to the external elevations include the introduction of new doors and painted roller shutters. These changes have not significantly altered the appearance of the building and do not do not detract from the character of the area. In such terms, it complies with UDP policy GDP1 and draft LDP policy DM1.



Figure 1. Front Elevation

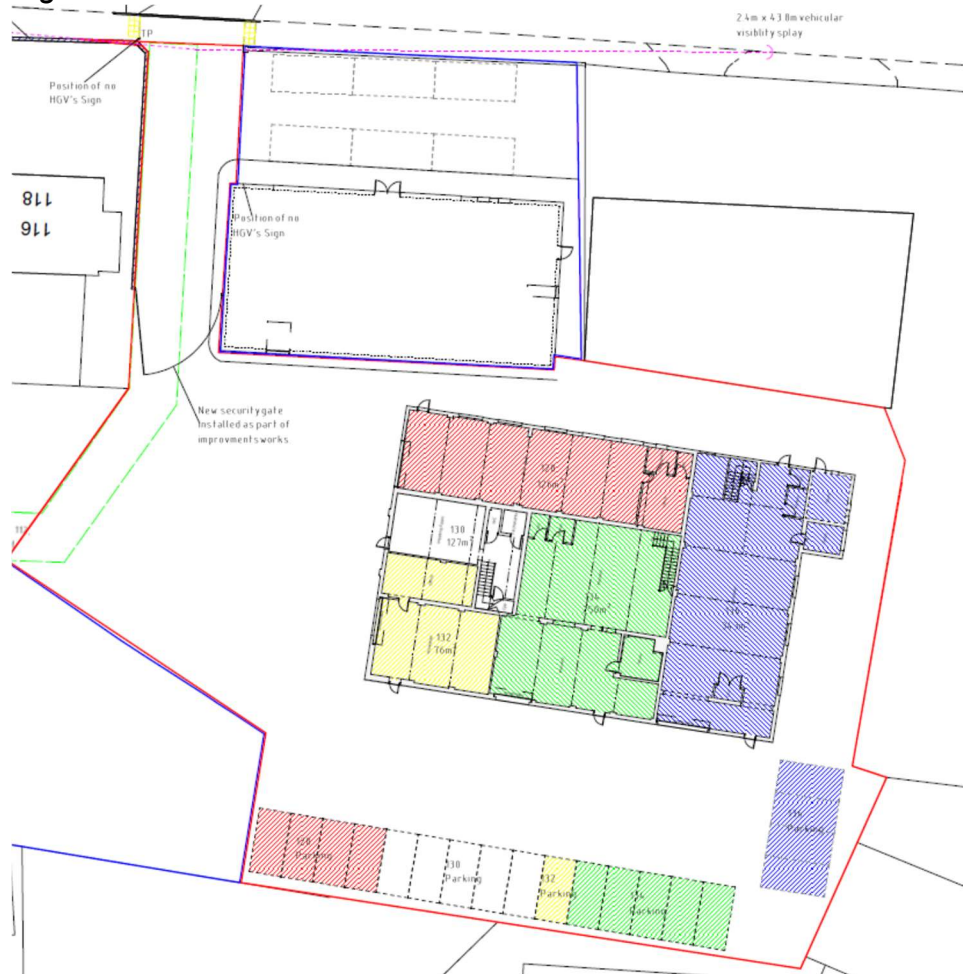


Figure 2. Site Layout

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Residential Amenity: Concerns have been raised by the occupiers of nearby properties that the change of use increases the intensity of use of the site and increase traffic movements.

The lawful Class B8 use of this building is currently unrestricted meaning that it could operate for storage and distribution 24 hours a day, 7 days of the week. This would include staff and customer vehicles and delivery / collection service vehicles, including HGVs.

The Council's Public Protection Officer raises no objection to the application subject to a suitability worded condition being imposed to limit noise levels to existing background levels.

Given the introduction of a range of new uses, and also having regard to the proposed development on the adjoining land (P/2022/0181), it would be appropriate to impose a condition to limit the hours of use to 8.30 am and 5.30pm Monday to Saturday and at no time on Sundays or Bank Holidays. These suggested hours of use would coincide with times of reasonable level of activity within the locality, with traffic passing along the adjoining highway.

Subject to the conditions referred to above, the development does not harm the living conditions of nearby occupiers and accords with policy UDP Policy GDP1 and draft LDP Policy DM1.

Highway Safety: The Council's Highway Officer raises no objections to the development. The Highway Officer explains that the traffic generation from the development is likely to be comparable to the previous use. The site utilises the same vehicular access as the development proposal on the adjoining land. Adequate visibility splays are achievable to the east. However, to the west, the visibility splays require the lowering of an existing boundary wall to the front of Nos.116 &118 Rhosnesni Lane. Because those properties are not owned by the applicants, a Planning Obligation is required to secure the provision and maintenance of the splays.

On-site parking provision is 19 spaces, which accords with LPN16 advice.

The submitted plans provide for signage advising that HGVs are not permitted to enter the site. A suitably worded condition can ensure this signage is displayed. Whilst the lawful use has no restriction preventing HGV access, it is considered that such a restriction is both reasonable and necessary given that the development has subdivided the units, thereby materially changing the use of the site.

Subject to appropriately worded planning conditions and a Planning Obligation, the development does not give rise to highway safety concerns and in such terms accords with UDP Policies GDP1 and T8, along with draft LDP Policies DM1 and T1.

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Phosphorous: The site connects to the public sewerage network which in turn drains to the Five Fords WWTW. The Environmental Permit for the WWTW has recently been reviewed. Having regard to the above, it is considered unlikely that the development increases the amount of phosphorous entering the SAC and therefore it is not likely to have a significant effect on the SAC.

CONCLUSION

The proposal seeks to retain new uses of a formerly vacant building and in doing so, enhances the appearance of the area. The development does not harm residential amenity or give rise to highway safety concerns and therefore accords with relevant UDP and draft LDP policies.

RECOMMENDATION A

That planning permission be granted subject to the following conditions and the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure visibility splays across the frontage of Nos. 116 & 118 Rhosnesni Lane, with the Chief Officer Economy and Planning given delegated authority to determine the final form and content of the Obligation.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is not completed within six months of the date of the Committee resolution Chief Officer for Economy and Planning be given delegated authority to refuse the application for the following reason:-

1. Due to substandard visibility at the access to the site, the development has a detrimental impact upon highway safety in the locality and therefore conflicts with policy GDP1(d) of the Wrexham Unitary Development Plan.

CONDITION(S)

1. The development shall only be carried out in strict accordance with the details shown on the approved drawing numbers CI46/002 Rev D and CI46/003, and as contained within the application documentation.
2. The use hereby permitted shall permanently cease within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 12 weeks of the date of this decision, an external Lighting scheme shall have been submitted for the written approval of the Local Planning Authority.
 - ii) If within 20 weeks of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made, by the Welsh Ministers;

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- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers;
- iv) The Lighting Scheme shall be fully implemented within one month of the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers, and operated in accordance with the approved details. No other external lighting shall be placed on any part of the site.
- 3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
- 4. No use of the development shall be made before 0830 hours or after 1730 Monday to Saturday. No part of the development shall be used on a Sunday or Bank Holiday.
- 5. The use hereby permitted shall permanently cease unless the vehicular parking area is laid out using white lining material in accordance with the details shown on drawing no. CI46/002 Rev D within 12 weeks of the date of this decision. The parking area shall thereafter be retained, kept free of any obstruction and made available solely for the parking of motor vehicles at all times.
- 6. There shall be no gates or other means of enclosure across the vehicular access point to the highway boundary.
- 7. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.
- 8. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.
- 9. The outside of the building shall not be illuminated outside of the opening hours referred to in condition 5.
- 10. No storage shall take place in the open on any part of the site.
- 11. The use hereby permitted shall permanently cease unless visibility splays of 2.4 metres x 43 metres in both directions measured to the nearside edge of the adjoining highway are provided within 12 weeks of this decision. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. Following the provision of the visibility splays, they shall thereafter be permanently retained clear of any obstruction to visibility in excess of 1 metre in height above the level of the adjoining highway.
- 12. The use hereby permitted shall permanently cease within 28 days of a failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 12 weeks of the date of this decision, a Service Delivery Management Plan (SDMP) to include the details of the frequency of deliveries, type/size of vehicle to be used, the management of car parking to facilitate delivery vehicles, shall have been submitted for the written approval of the Local Planning Authority.
 - ii) If within 20 weeks of the date of this decision the Local Planning Authority refuse to approve the details or fail to give a decision within the

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prescribed period, an appeal shall have been made to, and accepted as validly made, by the Welsh Ministers;

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Welsh Ministers;

iv) The SDMP shall be fully implemented within one month of the date of approval in writing by the Local Planning Authority or, in the event of ii) and iii) above, by the Welsh Ministers, and operated in accordance with the approved details for the life of the development.

13. The use hereby permitted shall permanently cease unless the HGV restriction signage as shown on approved plan ref: CI46/002 Rev D have been erected on site within 12 weeks of this decision. Following the implementation, the signage shall thereafter be permanently retained.

14. The use hereby permitted shall permanently cease unless the access takes the form of a widened dropped vehicular crossing within 12 weeks of this decision.

REASON(S)

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual and residential amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. To ensure that the premises is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan
6. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
8. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
9. To ensure a satisfactory standard of appearance of the development in the interests of the visual and residential amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

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10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
11. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.

A written agreement must be obtained (as required by section 278 of the Highways Act 1980) from the Highway Authority in order to make any changes to the adopted highway in connection with condition no. 16. Further guidance can be obtained from the Highway Authority of Wrexham County Borough Council on telephone 01978 729670.
